

REMARKS

This application has been reviewed in light of the Office Action dated June 16, 2005.

Claims 1-25 are pending in the application. No new matter has been added. The Examiner's reconsideration of the rejections in view of the following remarks is respectfully requested.

By the Office Action, claims 1-8, 10-17 and 19-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,308,062 to Chien et al. (hereinafter "Chien") and U.S. Patent No. 5,191,593 to McDonald et al. (hereinafter "McDonald") in view of U.S. Patent No. 6,052,565 to Ishikura (hereinafter "Ishikura"). Claims 9, 18 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chien and McDonald in view of Ishikura and further in view of U.S. Patent No. 6,198,925 to Lee et al. (hereinafter Lee).

The Applicant respectfully asserts that none of the cited references teach or suggest "a **base unit comprising ... an interface for directly interfacing** with an external computer", as now recited in independent Claim 1.

The Applicant respectfully asserts that none of the cited references teach or suggest "**directly interfacing** with an external computer via **an interface of the base unit**", as now recited in independent Claim 10.

The Applicant respectfully asserts that none of the cited references teach or suggest "the **base unit comprising ... an interface for directly interfacing** with an external computer", as now recited in independent Claim 19.

In contrast, Chien utilizes a radio fixed part 20, which is a completely separate entity from the base stations (cradles) disclosed in Chien (see, e.g., Chien, FIG. 1). Chien

collectively refers to a base station/cradle and a single handset corresponding to that base station/cradle as a portable device 15 (see, e.g., Chien, FIG. 1, and col. 2, lines 38-46). Figure 1 of Chien illustrates the system of his invention, namely, “a wireless telephony system enabling the interconnection of a personal computer (PC) 10 to a plurality of portable devices 15. Interconnection between the personal computer 10 and portable devices 15 is accomplished via a radio-fixed part (RFP) 20 and universal serial bus (USB) 25” (Chien, col. 2, lines 39-46). “The personal computer interfaces with the radio-fixed part 20 via a universal serial bus 25 or other type of high speed serial bus such as IEEE1394” (Chien, col. 2, lines 59-61).

Thus, the physical structure of the system of Chien differs from that claimed in Claims 1, 10, and 19 in that in Chien, an intermediate element, separate from the base unit, is required to interface the base units with a computer, while the present invention as claimed recites a base unit having an interface for directly interfacing with a computer.

Moreover, none of the other cited references cure the deficiencies of Chien. For example, the Applicant respectfully disagrees that Ishikura discloses the above-recited limitations of Claims 1, 10, and 19. Rather, Ishikura discloses a hand held phone that interfaces with a modem via a curl cord, such that the “modem unit MU ... connects the hand held phone HHP and the personal computer PC to allow CDPD transmission therebetween” (Ishikura, col. 8, lines 21-23). In fact, even the Examiner has stated in the Office Action “Ishikura ... teaches a method of directly interfacing the HANDSET with a personal computer to allow a CDPD transmission therebetween” (Office Action, p. 3). However, Claims 1, 10, and 19 recite that (1) **the interface is comprised IN THE BASE UNIT**; and (2) **the BASE UNIT directly interfaces with the computer**.

The integration of the interface within the base unit, as recited in Claims 1, 10,

and 19, provides a wireless telephone system that does not require a separate, external interfacing element (a modem) to connect to an external computer. Moreover, as the base unit is typically the controlling unit in a wireless telephone system having a base unit and one or more handsets, the direct interfacing of the base unit with the external computer, as recited in Claims 1, 10, and 19, provide a more direct route between the controlling entities (the external computer and the base station). **Moreover, while a hand held unit is designed to be wireless for mobility, with the base unit typically connected using wires since it is stationary, Ishikura dispenses with the convenience of being wireless for the hand held unit by requiring a curl wire to connect the modem to the hand held unit.** These and other deficiencies of Ishikura are overcome by the present invention as claimed in Claims 1, 10, and 19.

Moreover, the Applicant respectfully asserts that none of the cited references teach or suggest “the external computer being/is responsive to system conditions such that a system setting is automatically changed by the external computer based on the system conditions”, as recited in independent Claims 1, 10, and 19.

It is to be noted that Claim 1 further recites, *inter alia*, “a base unit comprising ... a processor, ... wherein the computer, when interfaced with the base unit via the interface, can communicate with the processor to change the system configuration”, which is also NOT disclosed in any of the references.

Moreover, it is to be noted that Claim 19 further recites, *inter alia*, “an interface ... comprising: a processor, ... wherein the computer, when interfaced with a base unit via the interface, can communicate with the processor to change the system configuration”, which is also NOT disclosed in any of the references.

Moreover, the following limitation of Claim 10, namely “communicating with the

computer with the processor when interfaced with the base unit via the interface to change the system configuration” inherently disposes the processor within the base unit to which the computer is directed interfaced and communicating with.

Accordingly, the Applicant agrees with the Examiner that Chien and McDonald do **NOT** disclose a method wherein based on the system condition a system setting is automatically changed by the external computer.

However, the Applicant respectfully disagrees that Ishikura discloses the immediately preceding limitations of Claims 1, 10, and 19. For example, the Examiner has cited Figure 25 and column 16, lines 27-56 of Ishikura as disclosing the preceding limitations, explaining that “the system condition is the control data from the base station to the external computer via the handset and the modem unit confirming that CDPD communications are ready and based on this system condition, the personal computer transmits a power-on control signal to the hand held phone thus changing the system setting automatically in response to system condition” (Office Action, p. 3).

However, while the Claims essentially recite that the external computer in conjunction with a processor in the **BASE STATION** (Claims 1 and 19) or in the **INTERFACE** (Claim 10) change the system setting, Ishikura discloses that the personal computer, in conjunction with the *hand held unit* (by virtue of receiving the power-on signal and powering up accordingly), change the system setting.

Accordingly, the present invention as claimed and Ishikura differ in physical structure and in operation.

Moreover, the Applicant respectfully disagrees with the use of Ishikura in the pending rejection, as Ishikura is non-analogous art. For example, in Wang Laboratories, Inc. v.

Toshiba Corp., 993 F.2d 858, 26 USPQ2d 1767 (FED. Cir 1993), “patent claims were directed to single in-line memory modules (SIMMs) for installation on a printed circuit motherboard for use in personal computers. Reference to a SIMM for an industrial controller was not necessarily in the same field of endeavor as the claimed subject matter merely because it related to memories. Reference was found to be in a different field of endeavor because it involved memory circuits in which modules of varying sizes may be added or replaced, whereas the claimed invention involved compact modular memories. Furthermore, since memory modules of the claims at issue were intended for personal computers and used dynamic random-access memories, whereas reference SIMM was developed for use in large industrial machine controllers and only taught the use of static random access-memories or read-only-memories, the finding that the reference was non-analogous was supported by substantial evidence” (MPEP, §2141.01(a)).

Accordingly, with respect to the instant application, the reference Ishikura is directed to “a mobile communication terminal apparatus which makes data communications using a **CELLULAR** mobile communication network system with a CDPD (cellular digital packet data) service function” (Ishikura, col. 1, lines 5-8). Thus, Ishikura relates to a mobile cellular network with a **CELLULAR BASE STATION**. A base station in a cellular network is not equivalent to a base unit in a wireless telephone system such as that claimed, and shown and described in the Applicant’s specification. For example, the physical operation of the two are quite different as a base station for a cellular network must deal with wireless transmission problems (multipath, fading), power issues, and so forth that are not present or as significant in a wireless telephone system as that claimed, and shown and described in the Applicant’s specification.

Accordingly, system conditions are not the same in a cellular system having a base station verses a wireless telephone system having a base unit as claimed in Claims 1, 10, and 19.

For example, Ishikura discloses that a **cellular** digital packet data service function, and it is this type of **cellular** data that the Examiner is citing against the above-recited limitations.

Accordingly, it is respectfully asserted that the use of Ishikura in the pending rejection is improper, as the references cannot be combined since Ishikura is non-analogous art different in structure and function with respect to the present invention as claimed in Claims 1, 10, and 19.

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art” (MPEP §2143.03, citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). In the instant application, none of the cited references, either taken singly or in any combination, teach or suggest all of the limitations of Claim 1, 10, and 19. Accordingly, Claims 1, 10, and 19 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above.

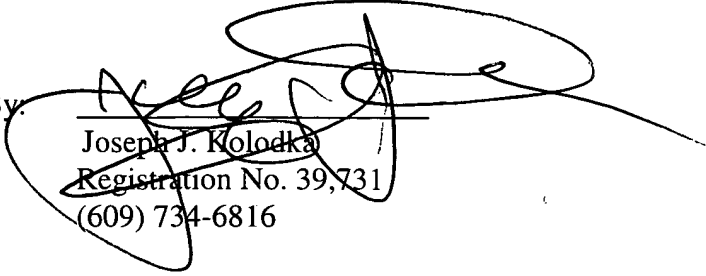
“If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious” (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Claims 2-9, 11-18, and 20-25 depend from Claims 1, 10, and 10, respectively and, thus, include all the limitations of Claims 1, 10, and 19, respectively. Accordingly, Claims 2-9, 11-18, and 20-25 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to Claims 1, 10, and 19, respectively. Reconsideration of the rejections is respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account No. 07-0832.

Respectfully submitted,

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Dated: 28 July 2005

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